

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RALPH MILLER,

No. C 02-2118 MJJ (MEJ)

Plaintiff(s),

vs.

**ORDER RE: PARTIES' JOINT
STIPULATION RE-NOTICING ALL
PENDING DISCOVERY MOTIONS**

INTERNATIONAL BUSINESS MACHINES, et
al,

Defendant(s).

The Court is in receipt of the parties' Joint Stipulation Re-Noticing All Pending Discovery Motions. In their stipulation, the parties re-notice all pending discovery motions to be heard on April 13, 2006 at 10:00 a.m. These motions (with the original date noticed for hearing in parentheses) are:

Miller's motion to modify the Court's February 6, 2006 Order (April 6, 2006);

IBM's motion to preclude Miller from calling witnesses and other relief (April 6, 2006);

Miller's motion to compel further discovery from IBM (April 13, 2006);

IBM's motion compel re Alzheimer & Gray documents and other relief (April 20, 2006); and

IBM's renewed motion for sanctions (April 20, 2006).

While the Court appreciates the effort of the parties to conserve both their and the Court's resources, the stipulation does not seek leave to disregard the requirements of Civil Local Rule 7. Under Rule 7-3, any opposition to a motion must be served and filed not less than 21 days before the hearing date, and any reply must be served and filed not less than 14 days before the hearing date.

1 Given that two motions are currently noticed for April 20, the parties stipulation does not comply
2 with Rule 7 as to the two April 20 motions. Accordingly, all motions currently noticed for April 6
3 and April 13 shall be heard on April 13. As to the two April 20 motions, they shall remain on
4 calendar for April 20. However, to honor the intention of the parties, they may file a joint
5 stipulation re-noticing all motions to April 20 or a later date.

6 **IT IS SO ORDERED.**

7
8 Dated: March 30, 2006



MARIA ELENA JAMES
United States Magistrate Judge